

# COMMITTEE AMENDMENT FORM

DATE: 4/2/08

COMMITTEE      ZONING      PAGE NUM. (S)

ORDINANCE I. D. #07-O-2596      SECTION (S)

RESOLUTION I. D. #08-R-      PARA.

AMENDS THE LEGISLATION BY ADDING THIRTY-ONE (31) CONDITIONS  
(5 PAGES) ONE OF WHICH IS A SITE PLAN RECEIVED BY THE BUREAU  
OF PLANNING 2/11/06.

AMENDMENT DONE BY COUNCIL STAFF 4/2/08

**Revised Conditions for Z-07-119/Z-05-128 for 771-795 Cherokee Avenue, S.E. and 412  
Grant Park Place, S.E.**

1. The approved site plan for the development is site plan specific, as submitted to the Bureau of Planning and date stamped on February 11, 2006.

The site plan will be comprised of three components. The descriptions in this section define the permissible scope of each of these components:

- a. Single Family Lots: The development will be limited to five (5) new single family lots, on each of which an attached or detached garage may also be built. The existing structure on the property will not be removed.
- b. Townhome Lots: The development will be limited to nine (9) townhome lots, or eleven (11) townhome lots, if the developer should elect to include two townhome units in the Mixed-Use Structure(s). An attached or detached garage may be built on each of the interior townhome lots abutting the existing structure and the single family lots, and an attached garage may be built on each of the interior townhome lots in the line closest to Augusta Avenue.
- c. Mixed-Use Structure(s): The permissible parameters for development of this component of the development, at the corner of Cherokee Avenue and Augusta Avenue, are limited to the following possibilities:
  - i. Case 1 – The Mixed-Use Structure(s) may have up to two (2) live-work or townhome units fronting Cherokee Avenue, on the south side of the structure(s), up to 3,500 square feet of commercial space, and up to eight (8) condominiums above the commercial space.
  - ii. Case 2 – The Mixed-Use Structure(s) can have up to two (2) live-work or townhome units fronting Cherokee Avenue, on the south side of the structure(s), commercial space, and no condominiums.
  - iii. Case 3 – The Mixed-Use Structure(s) can have no live-work or townhome units, up to 15,300 square feet of commercial space, and no condominiums.

2. In addition to restrictions on permissible commercial uses mandated by generally applicable city, county, and state zoning regulations, including the restrictions applicable to any property that is zoned PD-MU, the following commercial uses, as enumerated in Sec. 16-19B.003 and Sec. 16-19B.004 of the Atlanta Land Development Code (as amended), will be prohibited within the development: Adult businesses (see Sec. 16-19B.003(14)); Broadcasting towers (see Sec. 16-19B.003(15)); Hotels or motels (see Sec. 16-19B.003(10)); MARTA structures (excluding a bus stop) (see Sec. 16-19B.003(13)); Commercial drive-through facilities; Self-service laundries (see Sec. 16-19B.003(7)); Check cashing stores (see Sec. 16-19B.003(3)); Laboratories; Commercial energy generation devices (see Sec. 16-19B.003(3)); Bowling alleys (see Sec. 16-19B.003(12)); Theaters (see Sec. 16-19B.003(12)); Convention halls; Places of assembly (see 16-19B.003(16)); Pool halls (see Sec. 16-19B.003(12)); Billiard parlors (see Sec. 16-19B.003(12)); Amusement arcades (see Sec. 16-19B.003(12)); Game rooms (see Sec. 16-

19B.003(12)); and Churches, synagogues, temples, mosques and other religious worship facilities (see Sec. 16-19B.003(16)); Package stores (see Sec. 16-29.001(44)).

3. One (1) off-street parking space will be provided per bedroom in any condominium unit within the development. Two (2) off-street parking spaces will be provided for each single family home, townhome unit, or live-work unit within the development.
4. A minimum 4-foot setback from the property lines will be provided between the single family homes, including between the homes on the lots marked SF-1 and SF-2 on the site plan.

The rear yard setback for SF-1 through SF-5 shall be zero and the setback for the townhomes TH-1 through TH-9 shall be zero along the internal alley and green space.

5. A minimum 4-foot setback from the property lines will be provided along the western property line, excluding the existing structure at 410-412 Grant Park Place. The setback, along the western property line will be landscaped with a street tree every 30 feet and a variety of shrub material.

Further, the applicant will hold a pre-construction meeting to consult with the Grant Park neighborhood on the landscaping as it affects the western property line. The applicant will provide the Bureau of Planning with a copy of the minutes of the meeting signed by the chair of the GPNA Land Use and Zoning Committee.

6. The internal alleys of the development will not connect to the existing alley. If a connection is requested at the southern-most internal alley, directly behind the existing structure, the required site plan revision request must be accompanied with a plan for improving the alley running parallel to and immediately west of the western property line. Any connection to the existing alley will be limited to emergency vehicles, using both appropriate signage and physical barriers to general access (e.g., ground cover landscaping; emergency access gate).

#### ***Design/Elevation Conditions***

7. All designs for structures in the development will be submitted to the Urban Design Commission for a Certificate of Appropriateness, and will not exceed a height of 35 feet. Facades facing interior alleys, the primary access, the secondary access, and the green space within the development will be treated as street-facing, for purposes of design compliance with Grant Park's historic zoning regulations, except as it pertains to garage doors throughout the development.
8. The Mixed-Use Structure(s) at the corner of Augusta Avenue and Cherokee Avenue will be designed to be compatible with the exiting building at the northwest corner of Augusta Avenue and Cherokee Avenue, and to be consistent with the historic architectural style of the Grant Park neighborhood. It will not exceed a height of 39.5 feet to the principal structure. Any parapets above the principal structure will not exceed a height of 2.5 feet. The Mixed-Use Structure will have a ground floor interior of 15 feet.

9. The nine interior townhome units and the detached single family homes will be designed to be consistent with the historic architectural style of the Grant Park neighborhood, and to comply with Grant Park's historic zoning regulations, and will not exceed a height of 35 feet.
10. The single family homes will be designed to be consistent with the historic architectural style of the Grant Park neighborhood and to comply with Grant Park's historic zoning regulations, and will not exceed a height of 35 feet.
11. All chimneys shall originate at grade and shall be faced with masonry (i.e., brick or stone), regardless of whether they are street-facing or face on the interior of the development.
12. Sec. 16-28A.001 through 16-28A.017 of the Atlanta Land Development Code (as amended) shall be followed, with the following additional conditions:
  - a. No freestanding signs shall be allowed within the development;
  - b. No portable signs shall be allowed within the development, except for chalk board menus and similar folding signs, displayed exclusively during business hours;
  - c. Only building signs and business identification signs shall be allowed on the exterior of structures within the development;
  - d. In addition to Sec. 16-28A.007(u), no neon lighting shall be allowed on the exterior of structures within the development; however, neon lighting shall be allowed in the interior and interior windows of structures within the development, but shall be no larger than three (3) square feet in area.
  - e. In addition to Sec. 16-28A.007(i) and Sec. 16-28A.007(v), all signage on the property shall be historically consistent with the building to which they are affixed and with the Grant Park neighborhood, in both style and material. Signage lighting shall be overhead, down-facing lighting, and the lighting fixtures shall be historically consistent with the building to which they are affixed and with the Grant park neighborhood. The Urban Design Commission will determine that the signage and signage lighting meets this condition when a Certificate of Appropriateness is applied for and issued; and
  - f. No product-based neon or internally illuminated signage shall be allowed on the exterior or displayed directly in the windows of structures within the development (e.g., Miller Beer signs).

#### *Landscaping and Related Conditions*

13. No gates will be permitted in the development, and all fencing shall be consistent with the Grant Park historic neighborhood, and shall meet the standards set forth in Sec. 16-20K.007(15)(f) of the Atlanta Land Development Code (as amended).
14. There will be no monuments or monument signs on the property.

### *Miscellaneous Conditions*

15. Construction and construction-related deliveries will take place only between 7:00 a.m. to 7:00 p.m. on weekdays, and 9:00 a.m. to 7:00 p.m. on weekends.
16. No moving of dirt or other use of heavy equipment will take place on Sundays.
17. Wheeled garbage cans ("herbie curbies") will be used for the complete site. The townhome units, live-work units, condominium units, and commercial units will have interior pick-up sites. Private garbage pick-up will be utilized for the interior pick-up sites if Solid Waste Services of the City of Atlanta will not pick up from the interior locations.
18. The property will not have a separate name. The name will be the same as the neighborhood in which it is located.
19. A single homeowners' association will govern all townhome units, live-work units, and condominiums within the development, as well as shared green space and other common space management. A single homeowners' association, reciprocal easement agreement, or similar easement agreement will govern all detached single family homes within the development.
20. The front yard setback for the single family homes shall be a minimum of 10 ft. per the site design filed on 12-01-2005. Mixed Use building will have zero lot line setbacks per the site design filed on 12-01-2005.
21. All variances from the Grant Park historic regulations, including Urban Design Commission variances, will come back through the NPU process.
22. Residential units constructed for lease rather than sale, such as apartments, will not be permitted within the development. This does not, however, preclude individual rentals of individually owned single family homes, townhomes, and condominiums within the development.
25. Any change to the approved site plan for the development, besides a minor change (as defined by Sec. 16-02.003 of the Atlanta Land Development Code (as amended), shall be submitted to the Grant Park neighborhood and NPU-W for review and approval, and shall not be administratively approved by the City of Atlanta Bureau of Planning until completion of such review.
26. Sidewalks shall be included throughout the interior of the development and along the entire frontage of the property. Existing sidewalks must be preserved to the extent possible.
27. Any connection of the southernmost internal alley in the development, directly behind the existing structure, to the existing alley along the western boundary of the property will be limited to emergency use, and will not be accessible as a general means of entry into or exit from the development.

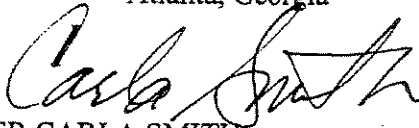
28. Retaining walls facing Grant Park Place, Cherokee Avenue, and Augusta Avenue, as well as the primary access and the secondary access, will not exceed a height of four (4) feet.
29. If the number of trees required by the Tree Preservation Plan cannot fit on the property, the remaining trees will be provided to the Grant Park Neighborhood Association, in lieu of a payment to the Tree Bank. Further, trees and shrubs planted within the development will be consistent with the Grant Park Master Plan, and consistent with the species found throughout the Grant Park neighborhood. The Grant Park Neighborhood Association will provide a copy of the Master Plan to the applicant.
30. Five (5) days prior to the submission of any application or petition for administrative approval or modification of the site plan, the property owner or applicant shall provide copies of the application or petition to the chair of the NPU-W Land Use & Zoning Committee. Contact information is as follows: *NPU-W Land Use & Zoning Committee Chair. Contact information stated on "NPU Contact List" at: [www.atlantaga.gov/government/planning/npu system.aspx](http://www.atlantaga.gov/government/planning/npu system.aspx).*
31. Five (5) days prior to the submission to the Urban Design Commission of an application or petition for a Certificate of Appropriateness, or of an application or petition to alter a previously approved design, for any structure to be constructed on the property, the property owner or applicant shall provide copies of the application or petition to the chair of the NPU-W Land Use & Zoning Committee. Contact information is as follows: *NPU-W Land Use and Zoning Committee Chair. Contact information stated on "NPU Contact List" at: [www.atlantaga.gov/government/planning/npu system.aspx](http://www.atlantaga.gov/government/planning/npu system.aspx).*



Z-07-119

07-07-2596

City Council  
Atlanta, Georgia



AN ORDINANCE

BY: COUNCILMEMBER CARLA SMITH

~~2-05-128~~

~~Z-07-~~

Date Filed: 12/3/07

**AN ORDINANCE TO AMEND ORDINANCE 06-O-0142 (Z-05-128) ADOPTED BY CITY COUNCIL MARCH 20, 2006 AND APPROVED BY THE MAYOR MARCH 28, 2006 REZONING FROM R-5/HD (TWO-FAMILY/RESIDENTIAL/GRANT PARK HISTORIC-CONDITIONAL) DISTRICT TO THE PD-MU/HD (PLANNED DEVELOPMENT-MIXED USE/GRANT PARK HISTORIC) FOR THE PURPOSE OF A CHANGE IN CONDITIONS FOR 771-795 CHEROKEE AVENUE, S.E. AND 412 GRANT PARK PLACE, S.E.**

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF ATLANTA, GEORGIA, as follows:

SECTION 1. That the Zoning Ordinance of the city of Atlanta be amended, and the maps established in connection therewith be changed so that the following property located at **771-795 CHEROKEE AVENUE, S.E. AND 412 GRANT PARK PLACE, S.E.** be amended in accordance with a revised set of conditions, to wit:

ALL THAT TRACT or parcel of land lying and being in Land Lot 43, of the 14<sup>th</sup> District, Fulton County, Georgia, being more particularly described by the attached legal description.

SECTION 2. That this amendment is approved under the provisions of Chapter 19 entitled, "Planned Development District", and Chapter 19A through Chapter 19D (as applicable) of the Zoning Ordinance of the City of Atlanta, and the Director, Bureau of Buildings, shall issue a building permit for the development of the above described property only in compliance with the applicable provisions of these Chapters and with the attached conditions.

SECTION 3. That the maps referred to, now on file in the Office of the Municipal Clerk, be changed to conform with the terms of this ordinance.

SECTION 4. That all ordinances or parts of ordinances in conflict with the terms of this ordinance are hereby repealed.



City Council  
Atlanta, Georgia



AN ORDINANCE

BY: COUNCILMEMBER CARLA SMITH

Z-05128/Z-07-119  
Date Filed: 12/3/07

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